

# House File 292 - Introduced

HOUSE FILE 292

BY ROGERS

## A BILL FOR

1 An Act relating to parental responsibilities including those  
2 related to custody and support and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144.13, Code 2017, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 1A. The state registrar shall include  
4 with the birth certificate application, a separate statement,  
5 to be attested to by any parent and submitted to the state  
6 registrar, that in accordance with section 252A.3, the parent  
7 is liable for support of the child. The statement shall also  
8 provide notification to a parent that failure to comply with  
9 section 252A.3 may subject the parent to a proceeding to compel  
10 support pursuant to section 252A.5 and that failure or refusal  
11 to provide support for the person's child may be grounds  
12 for the crime of nonsupport pursuant to section 726.5. The  
13 signed attestation submitted to the state registrar under this  
14 subsection is considered a confidential record under chapter  
15 22. The birth certificate application shall also include  
16 separate contact information for state agencies, including  
17 but not limited to the department of workforce development,  
18 that assist individuals in finding employment and a detachable  
19 checkoff for a parent who is unemployed to request assistance  
20 in finding employment.

21 Sec. 2. Section 144.13, subsection 3, Code 2017, is amended  
22 to read as follows:

23 3. a. If the mother was not married at the time of  
24 conception, birth, and at any time during the period between  
25 conception and birth, the mother shall enter the name of the  
26 ~~father shall not be entered~~ on the certificate of birth,  
27 ~~unless a determination of subject to paternity has been made~~  
28 ~~being established~~ pursuant to section 252A.3, ~~in which case~~  
29 ~~the name of the father as established shall be entered by~~  
30 ~~the department.~~ If The mother may refuse to enter the name  
31 of the father is not named on the certificate of birth, ~~no~~  
32 ~~other information about the father shall be entered on the~~  
33 certificate only if the mother files an affidavit with the  
34 certificate of birth, under penalty of perjury, attesting that  
35 she does not know who the father is or attesting that she

1 has made a good-faith effort to identify the father but was  
2 unable to do so as supported by evidence demonstrating the  
3 good-faith effort, or if good cause is shown. If a mother  
4 files an affidavit or asserts good cause in refusing to enter  
5 the name of the father on the birth certificate, upon receipt  
6 of the birth certificate by the state registrar, the state  
7 registrar shall forward the affidavit or good cause claim and  
8 any supporting evidence to the department of human services for  
9 investigation. If the mother's affidavit or good cause claim  
10 and the investigation of the supporting evidence satisfies the  
11 department of human services, the department of human services  
12 shall grant the exemption and notify the state registrar.

13 b. For the purposes of this subsection, "good cause" exists  
14 when the mother asserts and provides evidence to support any  
15 of the following claims in refusing to name the father on the  
16 birth certificate:

17 (1) That a history of domestic abuse as defined in section  
18 236.2 exists.

19 (2) That a history of child abuse as defined in section  
20 232.68 exists.

21 (3) That the child was conceived as a result of incest or  
22 sexual abuse.

23 c. Evidence supporting a good cause claim includes but is  
24 not limited to any of the following:

25 (1) A medical or law enforcement record indicating that the  
26 child was conceived as the result of incest or sexual abuse.

27 (2) Documentation of commencement of an action pursuant to  
28 section 236.3, the issuance of a protective order against the  
29 parent or the issuance of a court order or consent agreement  
30 pursuant to section 236.5, the issuance of an emergency order  
31 pursuant to section 236.6, the holding of a parent in contempt  
32 pursuant to section 664A.7, the response of a peace officer to  
33 the scene of alleged domestic abuse or the arrest of a parent  
34 following response to a report of alleged domestic abuse, or  
35 a conviction for domestic abuse assault pursuant to section

1 708.2A.

2 (3) Documentation of founded child abuse pursuant to  
3 section 232.71D.

4 (4) Sworn statements from individuals other than the mother  
5 that provide evidence supporting the good cause claim.

6 d. The department shall adopt rules pursuant to chapter  
7 17A to specify the documentation necessary to demonstrate a  
8 good-faith effort by the mother in identifying the father of  
9 the child under this subsection.

10 e. An affidavit or good cause claim with any supporting  
11 evidence submitted under this subsection is a confidential  
12 record under chapter 22.

13 f. A decision by the department under this subsection  
14 is final agency action and is subject to judicial review in  
15 accordance with chapter 17A.

16 **Sec. 3. NEW SECTION. 217.25 Prerequisite for receipt of**  
17 **public assistance.**

18 The department of human services shall establish as a  
19 prerequisite for application for the family investment  
20 program pursuant to chapter 239B or the medical assistance  
21 program pursuant to chapter 249A that the entity receiving the  
22 application verify that any child who is included in the family  
23 unit has a completed birth certificate pursuant to section  
24 144.13, unless an exemption was granted based on an affidavit  
25 filed or good cause shown pursuant to section 144.13. If  
26 the department determines that the birth certificate is not  
27 complete and an exemption was not granted, the department shall  
28 deny the application for assistance and inform the applicant of  
29 the denial. A decision by the department under this subsection  
30 is final agency action and is subject to judicial review in  
31 accordance with chapter 17A.

32 **EXPLANATION**

33 The inclusion of this explanation does not constitute agreement with  
34 the explanation's substance by the members of the general assembly.

35 This bill relates to custody and support of a child.

1 The bill directs the state registrar to include with the  
2 birth certificate application, a separate statement, to be  
3 attested to by any parent and submitted to the state registrar,  
4 that in accordance with Code section 252A.3, the parent is  
5 liable for support of the child. The statement is also to  
6 provide notification to a parent that failure to comply with  
7 this provision may subject the parent to a proceeding to compel  
8 support and that failure or refusal to provide support for the  
9 person's child may be grounds for the crime of nonsupport,  
10 which is a class "D" felony. A class "D" felony is punishable  
11 by confinement for no more than five years and a fine of at  
12 least \$750 but not more than \$7,500. The signed attestation  
13 submitted to the state registrar is considered a confidential  
14 record. The birth certificate application is also to include  
15 separate contact information for state agencies, including  
16 but not limited to the department of workforce development,  
17 that assist individuals in finding employment and a detachable  
18 checkoff for a parent who is unemployed to request assistance  
19 in finding employment.

20 The bill amends Code section 144.13 to require a mother  
21 who was not married at the time of the conception, birth, and  
22 at any time during the period between conception and birth  
23 to enter the name of the father on the certificate of birth,  
24 unless the mother files an affidavit, under penalty of perjury,  
25 attesting to not knowing who the father is or attesting that  
26 she has made a good-faith effort to identify the father but  
27 was unable to do so as supported by evidence demonstrating  
28 the good-faith effort, or if good cause is shown. The bill  
29 provides that if a mother files the affidavit or asserts good  
30 cause in refusing to enter the name of the father on the birth  
31 certificate, upon receipt of the birth certificate by the state  
32 registrar, the state registrar shall forward the claim and any  
33 supporting evidence to the department of human services (DHS)  
34 for investigation. If the mother's claim and the investigation  
35 of the supporting evidence satisfies DHS, DHS is required to

1 grant the exemption and notify the state registrar. The bill  
2 specifies what constitutes "good cause", what constitutes  
3 evidence supporting a claim of "good cause", and directs DHS  
4 to adopt rules to specify the documentation necessary for a  
5 good-faith effort claim. The affidavits, good cause claim, and  
6 supporting evidence are confidential records. The department's  
7 decision is final agency action and subject to judicial review.  
8     The bill directs DHS to establish as a prerequisite for  
9 application for the family investment program or the medical  
10 assistance program that the entity receiving the application  
11 verifies that any child who is included in the family unit has  
12 a completed birth certificate pursuant to Code section 144.13,  
13 unless an exemption was granted based on the affidavit filed by  
14 the mother or for good cause. If DHS determines that the birth  
15 certificate is not complete and an exemption was not granted,  
16 the department shall deny the application for assistance and  
17 inform the applicant of the denial. The department's decision  
18 is final agency action and subject to judicial review.